

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Andrew Yang et. al., individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

New York State Board of Elections,

Defendant.

**ECF CASE**

CIVIL ACTION: 20-cv-3325

**AFFIDAVIT OF Eli Smith (NON-PARTY)**

Eli Smith, under the pains and penalties of perjury, states as follows:

1. I am not a party to this action, however, I submit this Affidavit in support of Plaintiffs' EMERGENCY ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER.
2. I am an active and registered New York State Democratic Party voter.
3. I currently reside in Kings County, New York.
4. I support Bernie Sanders for the office of President of the United States.
5. On April 27, the New York Board of Elections Commissioners voted unanimously to permanently cancel the New York 2020 Democratic Presidential primary.
6. It is my belief that this action by NYS BOE violates my rights as voter, under the Constitution of the State of New York, the New York Election Law and the Constitution of the United States.
7. It is my belief that this arbitrary decision of the NY BOE disenfranchises both myself as a voter in the State of New York. Moreover, I wish to help to stand up for the class of more than six million registered Democratic Party voter in the State of New York who now, because of the BOE's capricious actions, no longer have the right to exercise their right to vote in the 2020 Democratic Presidential Primary. Despite the seriousness of the ongoing pandemic and its threat to human health and safety, it is my belief that New York State should hold a Democratic Presidential primary alongside federal congressional elections, NY State Elections for Senate and Assembly and local races (as still planned for June 28, 2020) in a manner safe for voters and election workers alike so as to not disenfranchise the voters in New York State. It is my belief that no right is more important than voting.

WHEREFORE, your affirmand respectfully requests that this Court enter a judgement against Defendant NYS BOE enjoining them from canceling the June 23 Democratic Presidential Primary and grant Plaintiffs costs and fees and such other and further relief as this Court deems just and proper. This Affidavit is being executed electronically.

Dated: Brooklyn, New York  
April 29, 2020

By: /s/Eli Smith  
317 Columbia St.  
Brooklyn, NY  
11231